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No. 47] NEW DELHI, MONDAY, NOVEMBER 24, 1958/AGRAHAYENA 3, 1880

LOK SABHA

The following Bill was introduced in Lok Sabha on the 24th November, 1958:—

*BILL NO. 117 OF 1958

A Bill to validate the constitution and proceedings of the Legislative Assembly of the New State of Himachal Pradesh formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958.

2. In this Act, “new Legislative Assembly” means the body of persons deemed under clause (a) of section 3 to have been the duly constituted Legislative Assembly of the New State of Himachal Pradesh.

3. Notwithstanding anything contained in any law or in any judgment, decree or order of any court,—

(a) the body of persons summoned to meet from time to time as the Himachal Pradesh Legislative Assembly (Himachal Pradesh Vidhan Sabha) during the period commencing on the 1st day of July, 1954, and ending with the 31st day of October, 1956, by the Lieutenant-Governor of Himachal Pradesh in the exercise or purported exercise of the powers conferred on him by section 9 of the Government of Part C States Act, 1951, shall be deemed for all purposes to have been the duly constituted Legislative Assembly of the new State of Himachal Pradesh formed under section 3 of the Himachal Pradesh and Bilaspur (New State) Act, 1954;

*The President has, in pursuance of clause 1 of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

(b) the persons who sat or voted or otherwise took part in the proceedings of the new Legislative Assembly shall be deemed to have been entitled so to do as members;

(c) the persons who functioned as the Speaker and the Deputy Speaker of the new Legislative Assembly shall be deemed to have been duly chosen as the Speaker and the Deputy Speaker respectively;

and accordingly—

(i) any Bill passed by the new Legislative Assembly (whether the Bill was introduced in the new Legislative Assembly or was introduced in the Legislative Assembly of Himachal Pradesh functioning immediately before the 1st day of July, 1954) and assented to by the President shall be deemed to have been validly enacted and to have the force of law;

(ii) any grant made, resolution passed or adopted, proceeding taken or any other thing done by or before the new Legislative Assembly shall be deemed to have been made, passed, adopted, taken or done in accordance with law.

Court not to question validity of proceedings of new Legislative Assembly on the ground of defect in constitution, etc.

4. No court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted, taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been duly constituted or on the ground that a person who was not entitled so to do presided over, sat or voted or otherwise took part in the proceedings of the new Legislative Assembly.

25

Repeal.

5. The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Ordinance, 1958, is hereby repealed.

7 of 1958.

STATEMENT OF OBJECTS AND REASONS

In the case of Vinod Kumar Vs. the State of Himachal Pradesh decided on the 10th October, 1958, the Supreme Court held that the Legislative Assembly of the State of Himachal Pradesh which was formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954, had not been duly constituted and that accordingly the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1954, passed by that Assembly could not be regarded as a piece of validly enacted legislation. This judgment would have the effect of rendering invalid a large number of enactments passed by the Himachal Pradesh Legislative Assembly during the period from the 1st July, 1954, to the 31st October, 1956, when the new State of Himachal Pradesh was in existence. To meet the situation most expeditiously an Ordinance called the Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Ordinance, 1958, was promulgated by the President on the 21st October, 1958, validating the constitution and proceedings of the body which purported to act as the Himachal Pradesh Legislative Assembly during that period. The present Bill seeks to replace that Ordinance.

G. B. PANT.

NEW DELHI;

The 13th November, 1958.

M. N. KAUL,

Secretary.

